

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1663 be amended to read as follows:

- 1           Page 8, between lines 10 and 11, begin a new paragraph and insert:  
2           "SECTION 7. IC 36-1-6-2, AS AMENDED BY P.L.88-2006,  
3           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2007]: Sec. 2. (a) If a condition violating an ordinance of a  
5           municipal corporation exists on real property, employees or contractors  
6           of a municipal corporation may enter onto that property and take  
7           appropriate action to bring the property into compliance with the  
8           ordinance. However, before action to bring compliance may be taken,  
9           all persons holding a substantial interest in the property must be given  
10          a reasonable opportunity of at least ten (10) days but not more than  
11          sixty (60) days to bring the property into compliance. If the municipal  
12          corporation takes action to bring compliance, the expenses incurred by  
13          the municipal corporation to bring compliance constitute a lien against  
14          the property. The lien attaches when notice of the lien is recorded in the  
15          office of the county recorder in which the property is located. The lien  
16          is superior to all other liens except liens for taxes, in an amount that  
17          does not exceed:  
18               (1) ~~two ten thousand five hundred~~ dollars (~~\$2,500~~) (**\$10,000**) for  
19               real property that:  
20                    (A) contains one (1) or more occupied or unoccupied single or  
21                    double family dwellings or the appurtenances or additions to  
22                    those dwellings; or  
23                    (B) is unimproved; or  
24               (2) ~~ten twenty~~ thousand dollars (~~\$10,000~~) (**\$20,000**) for all other

1 real property not described in subdivision (1).

2 (b) The municipal corporation may issue a bill to the owner of the  
3 real property for the costs incurred by the municipal corporation in  
4 bringing the property into compliance with the ordinance, including  
5 administrative costs and removal costs.

6 (c) A bill issued under subsection (b) is delinquent if the owner of  
7 the real property fails to pay the bill within thirty (30) days after the  
8 date of the issuance of the bill.

9 (d) Whenever a municipal corporation determines it necessary, the  
10 officer charged with the collection of fees and penalties for the  
11 municipal corporation shall prepare:

12 (1) a list of delinquent fees and penalties that are enforceable  
13 under this section, including:

14 (A) the name or names of the owner or owners of each lot or  
15 parcel of real property on which fees are delinquent;

16 (B) a description of the premises, as shown on the records of  
17 the county auditor; and

18 (C) the amount of the delinquent fees and the penalty; or

19 (2) an instrument for each lot or parcel of real property on which  
20 the fees are delinquent.

21 (e) The officer shall record a copy of each list or each instrument  
22 with the county recorder, who shall charge a fee for recording the list  
23 or instrument under the fee schedule established in IC 36-2-7-10.

24 (f) The amount of a lien shall be placed on the tax duplicate by the  
25 auditor. The total amount, including any accrued interest, shall be  
26 collected in the same manner as delinquent taxes are collected and  
27 shall be disbursed to the general fund of the municipal corporation.

28 (g) A fee is not enforceable as a lien against a subsequent owner of  
29 property unless the lien for the fee was recorded with the county  
30 recorder before conveyance to the subsequent owner. If the property is  
31 conveyed before the lien is recorded, the municipal corporation shall  
32 notify the person who owned the property at the time the fee became  
33 payable. The notice must inform the person that payment, including  
34 penalty fees for delinquencies, is due not later than fifteen (15) days  
35 after the date of the notice. If payment is not received within one  
36 hundred eighty (180) days after the date of the notice, the amount due  
37 may be considered a bad debt loss.

38 (h) The municipal corporation shall release:

39 (1) liens filed with the county recorder after the recorded date of  
40 conveyance of the property; and

41 (2) delinquent fees incurred by the seller;

42 upon receipt of a written demand from the purchaser or a representative  
43 of the title insurance company or the title insurance company's agent  
44 that issued a title insurance policy to the purchaser. The demand must  
45 state that the delinquent fees were not incurred by the purchaser as a  
46 user, lessee, or previous owner and that the purchaser has not been paid

- 1 by the seller for the delinquent fees.  
2 (i) The county auditor shall remove the fees, penalties, and service  
3 charges that were not recorded before a recorded conveyance to a  
4 subsequent owner upon receipt of a copy of the written demand under  
5 subsection (h).".  
6 Renumber all SECTIONS consecutively.  
(Reference is to HB 1663 as printed February 14, 2007.)

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Representative Leonard